IN RE: PETITION FOR RESIDENTIAL CONTING VARIANCE * ZONING COMMISSIONER NE/S Almond Avenue, 45 ft. SE of Dobbie Avenue * OF BALTIMORE COUNTY 602 Almond Avenue 1946 Floction District * Case No. 93-190-A 5th Councilmanic District James Wesley Osment, Jr. Per it ioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

the Petitioner herein requests a variance from Sections 1802.3.8 and 301.1 of the Baltimore County Doning Regulations (B.C.Z.R.) to allow an open projection (carport) with a side yard setback of 3 ft. in lieu of the minimum required 11.35 ft., as more particularly described on Petitioner's Exhibit No. 1.

The Petitioner having filed a Petition for Residential Variance and the subject property having been posted and there being no request for a public hearing, a decision shall be rendered based upon the documentation

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.E.R. would result in practical difficulty and/or unreasonable hardship

AFFIDAVIT 92-190-A The undersigned hereby affirms under the penalties of perjury to the Zoming Commissioner of

Beltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with

regard thereto. 602 Almord Ave Bultimore, MD 2/221

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty) There is a 7 Foot easement on the side of my property. I wist to put up a comport that would require a 3 Foot easement to be fractical and Have enough room

to pank my can. That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

JAMES WESLEY OSMENT JR.

the Affiant(s) herein, personally known or setisfactorily identified to me as such Affiant(s), and made cath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

MOTERY PUBLIC

on the tartes MAY 20, 194

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 37 day of Franks, 1991 that the Petition for a Zoning Variance from Sections 1802.3.8 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an open projection (carport) with a side yard setback of 3 ft. in lieu of the minimum required 11.25 ft., in accordance with Petitioner's Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

> 1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

LES/mmn

E. Vight LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

Zoning Description (#201)

Beginning at a point on the NEside of

Being lot no. 2, seet B in the subdivision of

Almond Ave, 40 ft. wide (60'R/w) at the

distance of 52 ft, southeast of Debbie Ave.

Alpine Gardens as recorded in Baltimore

Co. Plat Book No. 27 folio 48 containing

0.138 acret, Also Known as 602 Almond

Ave. & located in the 15th Election District.

92-190-A

CERTIFICATE OF POSTINA

Location of property:

Series of the first of the series

Location of Signs



111 West Chesapeake Avenue Towson, MD 21204

887 3353

November 29, 1991

Mr. James Wesley Osment, Jr. 602 Almond Avenue Baltimore, Maryland 21221

> RE: Petition for Residential Zoning Variance Case No. 92-190-A

Dear Mr. Osment:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

> Lawrence E. Schmidt Zoning Commissioner

LES:mmn cc: Peoples Counsel

> Baltimore County Government Office of Zoning Administration and Development Management Cottice of Planning & Zoning

> > October 31, 1991

HTI West Chesapeake Avenue Towson, MD (2120)

> Tames Wesley Osmet, Jr. 502 Almond Avenue Baltimore, Maryland 21221

LOCATION: NE/S Almond Avenue, 45' SE of Debbie Avenue 602 Almond Avenue 15th Election District - 5th Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before November 10, 1991. The closing date is November 25, 1991. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in two local newspapers. Charges related to the reposting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Zoning Commissioner, Baltimore County

PETITION FOR RESIDENTIAL VARIANCE

the description and plat attached hereto and made a part hereof, petition for a Variance from Es 1802.3.8 (211.3, 214.1) 301.1 - to allow an open projection (carport) with a sidepart

setback of 3' in lieu of the minimum required 11.25'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons There is a 15 Foot easement on the side of my property I wist to put up a corport that would require a 3 Fast saicment to be practical and Have exought room for me to park my can I am a school

Band Director and I have to Loud and unload many instruments. The curport Would make this more convenient for me.

Property is to be advertised and/or posted as prescribed by Zoning Regulations. I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing

of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of

Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Wasten Usment Jr.

Attorney for Petitioner:

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. nurchaser or representative to be contacted.

BRIDERED by the Zaming Commissioner of Baltimore County, this 18 14 day of 197, that the subject matter of this petition to pested on the property on or before the 3 and day of Nov. 19 9/

ZUNING COPPLESSIONER OF BALTIPORE CULNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, matter of this petition be advertised, as required by the Zening Law of Baltimore County, in two newspapers of out Baltimore County, that the property be reposted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 188. Causty Office Building in Towson, Seltimore County.



887-3353

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

881 4334

November 8, 1991

Mr. James W. Osment, Jr. 602 Almond Avenue Baltimore, MD 21221

RE: Item No. 201, Case No. 92-190-A Petitioner: James W. Osment

Petition for Residential Variance

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Zoning Plans Advisory Committe Coments Date: November 8, 1991

> 2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the peition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or imcompleteness.

> Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

> > Zoning Plans Advisory Committee

Enclosures

Page 2

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 2120+

Your petition has been received and accepted for filing this

Zoning Plans Advisory Committee

Petitioner: James W. Osment Petitioner's Attorney:

18th day of October, 1991.

887 3353

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director DATE: November 4, 1991 Zoning Administration and Development Management

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Bertoldl Property, Item No. 172 Koss Property, Item No. 192 Pitts Property, Item No. 193 Weimer Propety, Item No. 196 Frey Property, Item No. 197 Goodwin Property, Item No. 198 Pettit Property, Item No. 199 McQuain Property, Item No. 200 Osment Property, Item No. 201 Shapiro Property, Item No. 203 Chaney Property, Item No. 204 Colleran Property, Item No. 207 Fisher Property, Item No. 208 Wilson Property, Item No. 211

In reference to the petitioners' request, the staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn

ITMS172/TXTROZ

700 East Joppa Road Suite 901

Towson, MD 21204-5500

Baltimore County Government

(301) 887-4500

NOVEMBER 18, 1991

Arnold Jablon Director Zoning Administration and Development Management
Baltimore County Office Building Towson, MD 21204

JAMES WESLEY OSMENT, JR. RE: Property Owner:

#602 ALMOND AVENUE Location:

Zoning Agenda: NOVEMBER 5, 1991 Item No.: 201

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

Special Inspection Division

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: November 20, 1991

Mr. Arnold Jablon, Director Office of Zoning Administration and Development Management

FROM: Rahee J. Famili

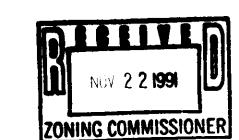
SUBJECT: N.A.C. Comments

Z.A.C. MEETING DATE: November 5, 1991

This office has no comments for item numbers 201, 203, 204, 205, 206, 207, 208 and 211.

Traffic Engineer II

RJF/lvd



92-190-A 11/25

PARTIMOLE COUNTY, MADYLAND INTEROTTER CORRECTION DEED USE

To: Ach le Jublon, Director DATE: Nevember 10, 1901 Zyning Administration and Development Namegement FROM. Robert W. B wling, P.E. SE: Zoming Advisory Committee Meeting for November 5, 1891

The Pevelopers Engineering bivision has residued the daugest bening Items and we have no comments for Items 201, 203, 204, 205, 206, 207, 203, and 209.

for loam 211, the lot dimensions shown on the plat Commit agree, with Plat Book 14, Follo 11. Developers Engineering Division

RWE:

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence 92-190-A

DATE: October 22, 1991

Lawrence E. Schmidt Zoning Commissioner Timothy Kotroco

Deputy Zoning Commissioner FROM: John J. Sullivan, Jr. Planner, ZADM

SUBJECT: Residential Variance Petition, Item #201

On Friday, October 11, 1991, Mr. Sampson appeared for a 10:45 A.M. filing appointment representing a Mr. James W. Osment, Jr. At this time, I informed Mr. Sampson that it was obvious that neither he nor Mr. Osment had read the sample Zoning Hearing Checklist booklet as the following were missing:

 Reasons for hardship or practical difficulty; Notary affidavit was incomplete; 3) Proposed carport was not shown; 4) Proposed carport setbacks were not shown 5) Zoning of site;

6) Distance to closest intersecting street; Any prior zoning hearings;

8) 1" = 200' Scale Zoning Map; Aerial Map; 10) 3 copies of a zoning description; and

11) Photographs. At this time, I added all information except:

1) Missing Notary affidavit information

 Reasons for hardship/practical difficulty; Aerial Map; and 4) Photographs

Mr. Sampson called me on Thursday, October 17, 1991, for an appointment and I saw him at 11:45 a.m. on Friday, October 18, 1991. At that time, I added the site location to the aerial map. I advised Mr. Sampson to submit a photo (taken from the street showing the proposed location of the carport) as soon as possible or the decision will be delayed. Mr. Sampson stated that he would take the photo this

Zoning Commissioner and Deputy Zoning Commissioner October 22, 1991

afternoon and get it to me as soon as possible. I accepted the petition for filing.

cc: Mr. & Mrs. James W. Osment, Jr. Petition File

· 92-190-A



